

REMARKS

In the Office Action, the Examiner rejected claims 1 and 38 under 35 U.S.C. §101; rejected claims 29 and 32 under 35 U.S.C. §112 second paragraph; and rejected claims 1, 2, 5-8, 12, 26, 28, 29, 31-33, 35, and 37-57 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/0154400 to Pirttimaa et al. ("Pirttimaa") in view of U.S. Patent No. 7,159,109 to Egevang.

By this amendment, Applicants amend claims 1 and 38 in response to the rejection under 35 U.S.C. §101, amend claims 1, 2, 26, 31, and 38 to improve form, and cancel claims 29 and 32 without prejudice or disclaimer.

Regarding the rejection under 35 U.S.C. §101, Applicants submit that the amendment (adding "at least one processor") ties each method to a machine. Thus, the rejection of claims 1 and 38 under 35 U.S.C. §101 should be withdrawn.

Regarding the rejection under 35 U.S.C. §112, Applicants disagree with the propriety of the rejection as the means plus function claims clearly recite a function before the term "means." Moreover, the specification provides clear support for the structure of those claims. Nonetheless, Applicants cancel claims 29 and 32 in the interest of advancing prosecution.

The Examiner rejected claims 1, 2, 5-8, 12, 26, 28, 31, 33, 35, 37-39, and 42-57 under 35 U.S.C. § 103(a) as unpatentable over Pirttimaa and Egevang. Applicants respectfully traverse this rejection.

The key consideration in a proper rejection under 35 U.S.C. § 103(a) is not whether the pending claims can be used as a "shopping list" for searching of the prior art for descriptions of features for assembly in a manner that is allegedly similar to the

claimed subject matter, but rather whether the prior art references, each taken in their entirety for all that they would reasonably teach to one of ordinary skill in the art at the time of the instant invention, would have rendered the instantly claimed subject matter unpatentably obvious. Unfortunately, the rejections proffered by the Office in this matter have emphasized the first approach in assembling piecemeal elements from several references to create an alleged basis for prima facie obviousness while failing to properly consider whether the cited references, when taken as a whole, properly suggest the instantly claimed subject matter in a manner that would have caused one of ordinary skill in the art at the time of the present invention to have deemed it obvious.

Turning now to claim 1, it recites a combination including the following features:

forwarding, by a user equipment, a prefix value to a node in a packet switched environment to create a security association with the node based on the prefix value, said prefix value referring to a portion of a first internet protocol address, wherein the node comprises a call state control function,

wherein the security association is valid between the user equipment and the node for a plurality of different internet protocol addresses, each of said plurality of internet protocol addresses comprising said portion of the first internet protocol address to which the prefix value refers, wherein the user equipment comprises at least one processor.

By way of example, Applicants submit that implementations consistent with claim 1 may allow a UE to change its IP address without requiring a re-registration to update a security association (SA) as the SA is valid for range of IP addresses to which a prefix values refers. The Examiner is directed to the examples at FIG. 3 as well as the corresponding descriptions at paragraphs 0028, 0034, and 0042.

Pirttimaa discloses a security association. Pirttimaa at para. 0039. However, nowhere does Pirttimaa disclose a single SA being valid over a range of IP address, much less "wherein the security association is valid between the user equipment and

the node for a plurality of different internet protocol addresses, each of said plurality of internet protocol addresses comprising said portion of the first internet protocol address to which the prefix value refers.” Instead, Pirttimaa makes clear that only one SA is active and that this single SA is updated when a re-registration has occurred. Pirttimaa at para. 0040. It is clear that Pirttimaa lacks any disclosure regarding a single SA being valid over a range of IP address, much less the above-noted feature of claim 1. Indeed, during the telephonic interview of October 28, 2009, the Examiner appeared to agree that this was the case.

The Examiner appears to recognize the shortcomings of Pirttimaa on page 4 of the Office Action, stating:

For this limitation, examiner relies on the Egevang reference. Egevang teaches a method for managing address translation for secure connections. See col. 8, lines 22-67 and col. 9, lines 1-29, wherein Egevang teaches first setting up a security association for communication between network node 102 and LAN 108 which includes network node 110 and 112. The security association is set up for both inbound and outbound traffic. Once the security association is set up for LAN 108, both nodes 110 and 112 may use the same security association without the need to set up separate security associations. Examiner views this to be analogous to the limitation claimed by applicant above. It would have been obvious to one of ordinary skill in the art to modify the invention taught by Pirttimaa to include setting up a security association that is valid for multiple IP addresses, as taught by Egevang, in order to improve management of a Security Association by improving the overall capacity and performance of the network (Egevang, col. 2, lines 3-30).

Office Action at page 4. However, Applicants submit that Egevang does not teach what the Examiner alleges. Moreover, the Examiner has taken an unreasonably broad construction of claim 1, stating that Egevang's alleged “security association” can be

used by two nodes 110 and 112.¹ Nonetheless, Applicants have amended claim 1 to make clear that “the security association is valid between the user equipment and the node [“comprising a call state control function”] for a plurality of different internet protocol addresses, each of said plurality of internet protocol addresses comprising said portion of the first internet protocol address to which the prefix value refers” Thus by the Examiner’s own description of Egevang, the nodes 110 and 112 cannot possibly constitute “the user equipment.” Nor can it constitute the “node” as recited in claim 1.

In view of the foregoing, Pirttimaa and Egevang fail or suggest at least the following feature of claim 1: “wherein the security association is valid between the user equipment and the node for a plurality of different internet protocol addresses, each of said plurality of internet protocol addresses comprising said portion of the first internet protocol address to which the prefix value refers, wherein the user equipment comprises at least one processor.” Therefore, claim 1 is allowable over Pirttimaa and Egevang, and the rejection under 35 U.S.C. §103(a) of claim 1 as well as claims 2, 3, 5-8, 12, 28, and 33, at least by reason of their dependency, should be withdrawn.

Independent claims 26, 31, and 38, although of different scope, include features similar to some of those noted above with respect to claim 1. For at least the reasons given above, the rejection under 35 U.S.C. § 103(a) of claims 26, 29, 31, 32, and 38, as well as claims 35, 37, 39, and 42-57, at least by reason of their dependency, should be withdrawn.

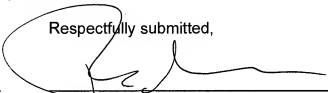
¹ *In re Suitco Surface, Inc.* (Fed. Cir. 2010) (finding that the PTO’s practice of giving a claim the broadest, reasonable construction “does not give the PTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention. Rather, claims should always be read in light of the specification and teachings in the underlying patent).”

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a one-month extension of time with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 39700-580001US.. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Pedro F. Suarez
Reg. No. 45,895

Date: 07 July 2010

Address all written correspondence to
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Ste 300
San Diego, CA 92130
Customer No. 64046
Phone: 858.314-1540
Fax: 858.314.1501